

O.I.P.E.  
NOV 28 2001  
PATENT & TRADEMARK

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re Application of:	)	Art Unit: 1646
	)	
NIELSEN, et al.	)	Examiner:
	)	
Serial No.: 09/845,717	)	Washington, D.C.
	)	
Filed: May 2, 2001	)	November 28, 2001
	)	
For: METHODS FOR TREATMENT	)	Docket No.: NIELSEN=3B
OF DISEASES ASSOCIATED...)	)	

**REQUEST TO VACATE ERRONEOUS NOTICE OF**  
**INCOMPLETE REPLY (NONPROVISIONAL)**

Commissioner of Patents  
Washington, D.C. 20231

S i r :

On August 29, 2001, the USPTO mailed a notice to file missing parts, requiring, inter alia, an abstract.

On October 29, 2001, Applicants filed a response. The response (Ex. A) indicated that an abstract was enclosed, and an abstract was listed as an enclosure on the postcard receipt stamped by the USPTO (Ex. B).

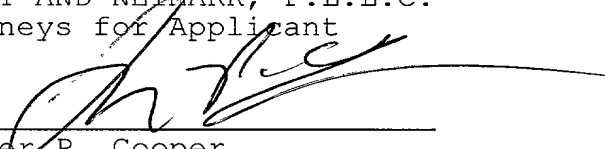
Hence, it is clear that the USPTO received an abstract, and that the notice of incomplete reply should be vacated.

Since the USPTO has apparently misplaced its copy of the timely filed abstract, a courtesy replacement copy is enclosed.

Under these circumstances an extension of time should not be necessary to ensure entry of the abstract. However, if we are mistaken, we so petition, and the extension of time fee should be charged to Deposit Account 02-4035 and counsel so notified by phone so the account can be replenished.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By:   
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09/25/01 11:28:01

In re Application of:  
 Soren NIELSEN  
 Serial No. 09/847  
 IA Filing Date: May 2, 2001  
 For: METHODS FOR TREATMENT OF DISEASES...

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Division  
 ATTN: BOX MISSING PARTS  
 Washington, D.C.  
 Confirmation No.3818  
 October 29, 2001

## LATE SUBMISSION OF FILING FEE AND/OR DECLARATION

HON. COMMISSIONER OF PATENTS  
 Washington, D.C. 20231

Sir:

The present communication is in response to the "NOTICE TO FILE MISSING PARTS OF APPLICATION..." dated August 29, 2001.

- [XX] Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, filing date and priority information.
- [ ] Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, serial number, filing date and priority information, and to which is attached a duplicate copy of the application as filed.
- [ ] Applicant claims small entity status. See 37 CFR 1.27.
- [XX] An Assertion of Foreign Priority.
- [XX] A Communication.
- [XX] An Abstract of the technical disclosure as required under 37 CFR 1.72(b).
- [XX] Preliminary Amendment.
- [ ] Preliminary Amendment and Statements in Support of Filing and Submissions in Accordance with 37 C.F.R. 1.821-1.825.
- [ ] Sequence Listing (hardcopy), and computer-readable form of Sequence Listing.
- [XX] A certified copy of Danish priority document no. PA 2000 01757, filed November 22, 2000, is also attached. Priority is claimed.
- [XX] A certified copy of Danish priority document no. PA 2000 01204, filed August 11, 2000, is also attached. Priority is claimed.
- [XX] A certified copy of Danish priority document no. PA 2001 00369, filed March 6, 2001, is also attached. Priority is claimed.
- [ ] An Information Disclosure Statement with 08A-1449 and references is also attached.
- [XX] Substitute Formal Drawings.
- [ ] Change of Address

The following fee is calculated below:

	(Col.1)	(Col.2)	SMALL ENTITY			OTHER THAN SMALL ENTITY		
FOR:	NO FILED	NO. EXTRA	RATE	FEE	OR	RATE	FEE	
BASIC FEE				\$370.00	OR		\$740.00	
TOTAL CLAIMS	14 20		X 9=	\$		X 18=	\$	
INDEP. CLAIMS	4 3	1	X 42=	\$		X 84=	\$84.00	
[ ] MULTIPLE DEPENDENT CLAIMS PRESENTED			+135=	\$		+ 270=	\$	
If the difference in Col. 1 is less than 0, enter "0" in Col. 2			TOTAL	\$		TOTAL	\$824.00	

- [XX] Surcharge for late filing of English translation \$ 130.00
- [ ] Late filing of Declaration surcharge in the amount of:
- Small Entity [ ] \$65.00 Other than Small Entity [XX] \$130.00
- [ ] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:
- | Small Entity                | Other Than Small Entity     |
|-----------------------------|-----------------------------|
| Response Filed Within       | Response Filed Within       |
| [ ] First - \$ 55.00        | [ ] First - \$ 110.00       |
| [ ] Second - \$ 200.00      | [ ] Second - \$ 440.00      |
| [ ] Third - \$ 460.00       | [ ] Third - \$ 920.00       |
| [ ] Fourth - \$ 720.00      | [ ] Fourth - \$1,440.00     |
| Month After Time Period Set | Month After Time Period Set |
- [XX] Conditional Petition for Extension of Time:
- If any extension of time for a response is required, applicant requests that this be considered a petition therefor.
- [ ] Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ is enclosed to cover the above fees.
- [XX] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$954.00 is enclosed to cover the fees.
- [XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.  
 Attorneys for Applicant(s)

By: \_\_\_\_\_  
 Iver P. Cooper  
 Registration No. 28,005

Ex.B

APPLICANT(S): Soren NIELSEN  
APPLICATION NO.: 09/843,717

DOCKET NO.: NIELSEN 3B  
CONF. NO.: 3818

THE PATENT AND TRADEMARK OFFICE STAMP  
HEREON ACKNOWLEDGES RECEIPT OF THE  
FOLLOWING PAPERS:

☒ FEES \$ 954.00

☒ PTO FORM 2038 ☐ (CH. # \_\_\_\_\_)

☐ EXTENSION OF TIME ( \_\_\_\_\_ MONTHS)

☐ TRANSMITTAL LETTER

☒ MISSING PARTS RESPONSE WITH DECL

☒ AMENDMENT RESPONSE (circle one)

☒ PRELIMINARY ☐ SUPPLEMENTAL

☐ APPLICATION DATA SHEET

☐ RESTRICTION/ELECTION REPLY Denmark

☐ SEQUENCE LISTING ☐ WITH DISK

☐ RCE / CPA TRANSMITTAL (circle one)

☐ NOTICE OF APPEAL

☐ APPEAL BRIEF (TRIPPLICATE)

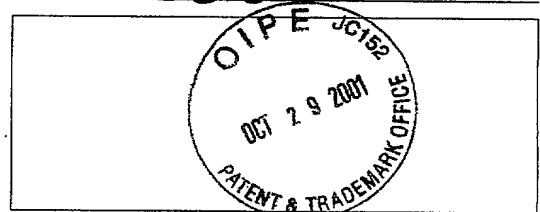
☐ REPLY BRIEF (TRIPPLICATE)

☒ OTHER Substitute Formal Drawings, Abstract,

Communication, Assertion of Foreign Priority

Assertion of Small Entity Status

B&N-1



☐ ASSIGNMENT

☐ INFORMATION DISCLOSURE STATEMENT

☐ FORM 1449 & \_\_\_\_\_ PATENTS/PUBS

☒ PRIORITY DOCUMENT(S) NO. PA 2000 0175

PA 2000 01204, PA 2001 00369

☐ DECLARATION UNDER § \_\_\_\_\_

☐ LETTER TO DRAFTSMAN

☐ \_\_\_\_\_ SHEETS OF DRAWINGS

☐ ISSUE FEE TRANSMITTAL FORM

☐ MAINTENANCE FEE LETTER

09/843,717